

Manager Workplace Religious Accommodation Toolkit:

YOUR GUIDE TO RESOLVING THE POTENTIAL CONFLICT BETWEEN RELIGIOUS PRACTICES AND WORKPLACE REQUIREMENTS

Question:	Answer:
What is a religious accommodation?	A religious accommodation addresses the conflict that may arise between an employee or applicant's religious practices and the requirements of his or her position, without posing undue hardship for the employer.
What is an undue hardship?	And undue hardship occurs when an employer accommodates an employee or applicant's religious practices and incurs more than minimal costs.
What law(s) require that the NIH provide employees with religious accommodations?	<p>Title VII of the Civil Rights Act of 1964 prohibits religious discrimination and requires that employers reasonably accommodate employee and applicant religious practices.</p> <p>Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government. In 1972 Title VII was amended to require that employers reasonably accommodate religious practices.</p>
What religions must be afforded a religious accommodation?	Religious accommodations are not limited to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism. Persons who hold sincerely held religious belief are afforded religious accommodation as well.

<p>What factors may undermine an employee's assertion the he or she sincerely holds a religious belief?</p>	<p>The definition of religion is broad. Therefore, employers should assume good faith when receiving religious accommodation requests. Although, assuming good faith is a best practice there are factors, alone or in combination, that may mitigate an employee's sincerity. They are:</p> <ul style="list-style-type: none"> • If the employee's behavior is starkly inconsistent with his or her professed belief(s); • If the requested accommodation provides a particularly desirable benefit that is likely sought for secular reasons • If the timing of the request is suspicious. For example, the same employee made the same request for secular reasons. • And whether the employer has other reasons to believe the accommodation is not sought for religious reasons.
<p>What if a co-worker(s) complains about an accommodation given to another employee?</p>	<p>It would all depend on the nature of the complaints. If a religious accommodation is met with resentment and jealousy by co-workers it is still a viable solution. If a religious accommodation infringes on co-workers' ability to perform their tasks or creates a hostile work environment the accommodation will likely qualify as an undue hardship and therefore not a reasonable accommodation.</p>
<p>Must an employer provide an employee with his or her preferred method of accommodation if it does not cause an undue hardship?</p>	<p>No. An employer is not required to provide an employee with his or her preferred method of accommodation even if that accommodation would not pose an undue hardship. An employer's sole obligation is to provide a reasonable religious accommodation.</p>

Area:	Key Points:
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General	<ul style="list-style-type: none"> Title VII covers both traditional and nontraditional religious beliefs including those that are new, uncommon, unaffiliated with a formal religious institution, or seem illogical or unreasonable to others.
Number of believers	<ul style="list-style-type: none"> A religion is not defined by the number of its followers but the level of sincerity of its believer(s). Therefore, a religion may be followed by a few people or a single person.
Preferences	<ul style="list-style-type: none"> A person's preferences, regardless of how strong, are not religious beliefs.

Case Examples

Addresses:	Case:
Employee must establish an actual conflict	<i>Tiano v. Dillard Department Stores</i>
Accommodations that create an undue hardship	<i>TransWorld Airlines, Inc. v. Hardison</i>

Religious Accommodation Best Practices

Assume good faith

Just say...yes (when you can)

Obtain guidance before issuing a denial

Treat your accommodated employees like everyone else

Common Religious Accommodations	
<ul style="list-style-type: none"> • Flexible schedules • Flexible work breaks • Lateral transfer • Staggered work hours • Change of job assignment • Floating or optional holidays 	<ul style="list-style-type: none"> • Use of lunch time in exchange for early departure • Modifying workplace practices, policies, and/or procedures • Voluntary substitutes or swaps of shifts and assignments • Permitting an employee to make up time lost due to the observance of religious practices

Contacts:

WHO TO ASK ABOUT WHAT

[Employee Relations Contacts.](#)

[Division of Complaints Management and Resolution](#)

[Identify Your Formal Complaints Specialist](#)

[Office of Equal Opportunity and Diversity Management contact](#)

[NIH Ombudsman contact](#)

Resources:

WHERE TO GO FOR MORE INFORMATION

[Title VII of the Civil Rights Act of 1964](#)

[29 C.F.R. Section 1604.11](#)

[EEOC Religious Discrimination](#)

[EEOC Compliance Manual Section 12: Religious Discrimination](#)